



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX
75 Hawthorne Street
San Francisco, CA 94105

June 23, 2015

CERTIFIED MAIL NO. 7015 0640 0001 5561 3592
RETURN RECEIPT REQUESTED

Natalie Braden
Environmental Affairs Manager
Shell Oil Products US
3485 Pacheco Blvd.
Martinez, CA 94553

RE: **Request for Information In re: Shell Oil Products US**
EPA Identification Number: CAD009164021

Dear Ms. Braden:

The United States Environmental Protection Agency (EPA), Region 9 hereby requests additional information following the March 23, 2015 through March 30, 2015 compliance evaluation inspection conducted at the Shell Oil Products US' (Shell) operations located at 3485 Pacheco Boulevard, Martinez, California 94553. The information being requested will supplement observations made by the EPA inspection team.

Pursuant to EPA's authority under Section 3007(a) of the Resource Conservation and Recovery Act (RCRA) [42 U.S.C. § 6927(a)], Shell is required to submit the information and documents listed in Attachment I of this letter using the instructions included in Attachment II. Also, complete and submit the certification included in Attachment III.

Failure to respond fully and truthfully may result in enforcement action by EPA pursuant to Section 3008(g) of RCRA (42 U.S.C. § 6928(g)). These statutory provisions authorize EPA to seek the imposition of penalties of up to \$37,500 per day of noncompliance. Please be further advised that provision of false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

This request for information is not subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act because it is not a collection of information within the meaning of 44 U.S.C. §§ 3502(3), 3507, and 3512. *See, also*, 5 CFR §§ 1320.3(c), 1320.5, and 1320.6(a). Furthermore, it is exempt from OMB review under the Paperwork Reduction Act because it is part of

an investigation of a specific individual or entity. 44 U.S.C. § 3518(c)(1); 5 CFR § 1320.4.

Your response to this request must be made by letter, signed by a duly authorized official, and submitted to the EPA within thirty (30) calendar days from the date of your receipt of this letter. Please address the submittal to:

Sharon Lin
Mail Code: ENF-2-2
Waste and Chemical Section
Enforcement Division
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105
e-mail: lin.sharon@epa.gov

In lieu of submitting the requested response by mail, Shell may submit the response as portable document files via electronic mail.

If you have any questions regarding this letter, please contact Sharon Lin at (415) 972-3446 or lin.sharon@epa.gov.

Sincerely,



Douglas K. McDaniel
Chief, Waste and Chemical Section
Enforcement Division

cc: Teng "Andy" Yang, California Department of Toxic Substances Control
Melissa J. Hagan, Contra Costa County, Health Services

Enclosures

ATTACHMENT I

Therefore, pursuant to EPA's authority under Section 3007(a) of RCRA, Shell is requested to submit to EPA the following information:

A. RCRA Waste

1. For the following information request, please refer to the undated table prepared by Shell titled *Shell Oil Products US-Martinez Refinery, Total Waste Generated-2014*.
 - a. List the units/processes by which the RCRA wastes in the table were generated.
2. Please provide a list of excluded wastes that are exported to a foreign country to be reclaimed. The list must include the following information, quantity of excluded waste generated per year and the facility source(s) of the excluded waste. Additionally provide documentation that demonstrates that Shell has complied with the export notification requirements for each of the streams listed. *see 40 CFR § 261.4(a)(25)*
3. Shell's 2014 Biennial Report indicates the facility generated F037 as a single waste stream in 2013. However, F037 as a sole hazardous waste stream has not been manifested since 2012, based on data from the *California Department of Toxic Substances Control, Hazardous Waste Tracking System*. Please explain how the F037 waste has been managed by Shell from 2012 to present.
4. Shell's 2014 Biennial Report indicates that the facility shipped 93.10 tons of a combined F037, F038, K050 and K051 waste stream (Shaker Sludge) to Clean Harbors, Aragonite, UT (Clean Harbors) facility. Clean Harbors' 2014 Biennial Report identifies that 84.65 tons of this waste stream generated by Shell was received by Clean Harbors. Please explain the difference in quantities reported by each of the facilities.

B. Recovered Oil Process

1. Please provide the following information regarding the recovered oil process:
 - a. A flow diagram of the recovered oil process. Label each unit of the process (e.g., thermal oxidizer, centrifuge).
 - b. Please include all process materials and wastes inputs in average gallons per day to the process as well as process outputs as average gallons or pounds per day.
 - i. Confirm that all inputs to the Recovered Oil Process are via Tank 15096. If any other tanks, including mobile tanks are used to receive and store materials to be processed through the Recovered Oil Process, please identify by tank number, location, and capacity.
 - c. For each unit of the process indicate which permits (including permit holder, permit number and permit unit number) under which the units are operating (e.g., tiered, air pollution control), including any contractor obtained permits required for the specific unit.
 - d. For each unit of the process, provide the monitoring and inspection records for 2012, 2013, 2014 and 2015 required by regulatory agency(ies).
 - e. Design and operation specifications for each unit of the process including the thermal oxidizer.

- f. Describe the management of the waste streams generated from the process and how waste determinations associated with each waste streams were made. If the determinations were based on analytical results, please provide all the analytical results developed by Shell or its contractors since January 1, 2012.
- g. Describe the material(s) or waste(s) that is removed from the Recovered Oil Process which is sent to Clean Harbors-Aragonite or Clean Harbors-Buttonwillow.

C. Flare Sump Operations

1. Provide a total number of flare sumps located at the Shell facility and provide a corresponding location figure identifying where each flare sump is located. Explain how accumulated liquids are managed from each one of the flare sumps.
2. For the following questions, please refer to Photograph CIMG2535. There is a horizontal tank located in the upper right section of the photograph, near a flare sump. The last three visible digits of the numbered tank reads: "681":
 - a. Describe the purpose of the horizontal tank.
 - b. List the types of liquids that are captured, stored and/or treated in the tank. Include in the list the approximate average gallons per day of each type of liquid captured, stored, and/or treated in the tank. Additionally, indicate on the list how each of the liquids removed from the horizontal tanks are managed.
 - i. For each type of liquid describe if the liquid removal is performed by Shell or its contractor.
 - c. If the liquids are hard piped to another tank, sump or process unit, identify the type of unit the liquid(s) is hard piped to (e.g., underground sump, Sump #).
 - d. Provide a current figure showing the locations of any similar horizontal tanks.
 - e. Provide any liquid removal records generated either by Shell or its contractors since January 1, 2012.

D. Shaker Tank

1. Submit documentation that demonstrates the Shaker Tank at the Liquid Waste Handling Site meets 22 California Code of Regulations (CCR) § 66265 Article 10 [40 Code of Federal Regulation (CFR) § 265 Subpart J] tank requirements (assessment of existing tank system's integrity, containment and detection of releases, evidence of daily inspections). If such documents do not exist, please confirm and provide explanation as to why the tank has not been assessed.

E. Tank V18259 – Quality Assurance Laboratory

1. The following information/documentation for Tank V18259 is being requested:
 - a. Provide tank assessment information (certification, engineering diagrams, etc.) for Tank V18259, discarded laboratory materials accumulation tank.
 - b. Confirm at the time of the inspection where the contents of the tank were being transferred to (specific unit name and number). For 2012, 2013, 2014 and 2015 to date provide copies of all transmittal records prepared by Shell or its contractors (i.e., internal tracking

documents from the tank to the process unit(s)).

- c. Provide a list and a Safety Data Sheet (SDS) of each type of discarded solvent that is placed in the tank. Explain how the discarded solvents placed in the tank are recovered or reclaimed by Shell or its contractors. Provide any supporting documentation that demonstrates that the solvents are legitimately being reclaimed by Shell or its contractors.
- d. Confirm that only discarded solvents and associated laboratory samples are placed in the tank. If this is not the case, please provide a list and SDSs of the other materials that are placed in tank.

F. Process Sumps

1. Provide a list and location figure of the facility sumps that potentially receive process spillage. Please indicate which of the sumps listed can discharge to Lake Slobodnik.

G. Waste Treatment and Reclamation

1. Confirm whether recoverable materials and/or wastes are treated¹ in any tanks or containers prior to reclamation at the Shell Martinez facility. Provide a list of all process materials and/or wastes that are treated prior to reclamation, the method of treatment and average monthly treatment rate in gallon per day for each process materials or wastes that are treated prior to reclamation, the tank number of the treatment unit or the type of container (whichever is applicable), the amount and classification of any by-products or wastes generated from the treatment prior to reclamation and from the reclamation process and a current figure where each treatment/reclamation process is located.
2. Please provide the total number of portable containers, commonly referred to by Shell personnel as "R2D2s" used to collect hazardous waste and/or Excludable Recyclable Material.

H. Sandblast Area Waste Determination

1. Provide any waste determination information and/or analysis, if available, of the sandblast grit located at the sandblast area where Brand, Shell and/or other contractors perform sandblasting and painting activities.
2. Provide an inventory of paint products and typical amounts of each product typically used by Brand at the sandblast area, including SDSs for each of the products used.

I. Training

1. Shell is required by 22 CCR §§ 66262.34(a)(4); 66265.16 [40 CFR) §§ 262.34(a)(4); 265.16] to develop a personnel training program that teaches facility personnel in a way that ensures the facility's compliance with the hazardous waste requirements necessary for their job. Shell utilizes contractors to perform work that generates hazardous wastes (e.g., Brand). Based on EPA observations made during the inspection of the sandblast area, the waste management practices of Shell's contractor (Brand) were inadequate. Provide a detailed description of the procedures Shell has in place to ensure contractor compliance with generator hazardous waste management requirements for work performed on behalf of Shell.²

¹ See 22 CCR 66261.10 for definition of treatment.

² See following RCRA Online References:

J. Heat Exchanger Bundle Cleaning Pad

1. Shell provided with EPA a bundle cleaning pad sumps cleaning log dated March 19, 2015. Confirm that the bundle pad trench and sump were cleaned out by Shell's contractor, PSC. Provide the complete name(s) of the PSC person(s) who cleaned out the trench and sump. Other Bundle Pad log information/documentation requested is as follows:
 - a. Provide the complete name(s) of the person(s) who performed the cleaning the bundles, sump and bundle pad.
 - b. The following was written in the comments section of the log: "Only one sump pump working." Please identify on a current figure the location of the sump that was working and the sump that was inoperable.
 - c. The log did not indicate how much heat exchanger bundle cleaning sludge waste (K050) was removed from the sump(s). Please provide the amount of K050 wastes that was removed on March 19, 2015. Also provide the date when K050 waste was first placed in the sump(s) (i.e., prior to March 19, 2015 when was the first heat exchanger bundle placed on the pad for cleaning).
 - d. Please confirm whether or not there was any accumulated K050 waste sludge in the inoperable sump prior to March 19, 2015.
 - i. Please provide information and/or supporting documentation (e.g., work order) on when and why the sump became inoperable.
 - ii. Please confirm whether or not there were any solids removed from the sump prior to making any repairs. If solids were removed, please provide the amount solids in gallons, pounds or tons removed.
 - iii. Provide copies of the maintenance records of the inoperable sump for 2014 and 2015, including any cleanouts of the sump required to repair the sump.
 - e. The following was also written in the comment section of the log: "PSC cleaned the trench and sump on this date 3-19-15." Please identify on a current figure of the Bundle Cleaning Pad, the exact portion of the trench that was cleaned.
2. Provide documentation (e.g., standard operating procedures) of Shell's inspection program for the Bundle Cleaning Pad that was in place at the time of EPA's 2015 RCRA inspection.
 - a. Confirm with appropriate documentation that the Bundle Cleaning Pad inspection program includes inspecting the pad for deterioration, including cracks.
 - b. Provide copies of documented Bundle Cleaning Pad inspections completed in 2012, 2013, 2014 and 2015.
 - c. Please confirm if Shell or its contractor's perform the inspections. Identify which contractors perform Bundle Cleaning Pad inspections.
 - d. For Bundle Cleaning Pad inspections performed by Shell's contractors, provide a written description of the program Shell has in place to ensure the contractor's are performing adequate inspections of the Bundle Pad.
3. EPA uses the terms "east" and "west" bundle pads to describe the two pads. Shell uses the

terms “lower” and “upper” sections to describe the pads. Please provide a current figure of the Bundle Cleaning Pad area that clearly shows what Shell is describing as the lower and upper pads. The figure does not have to be to scale.

K. Delayed Coker Unit

1. Provide a list of all hazardous secondary waste materials that are inserted into the delayed coker. Include in the list the total amount in gallons or tons per year of each secondary waste material inserted into the delayed coker and specifically where in the coking process the hazardous secondary materials is inserted. Provide a delay coker figure which shows exactly where each of the delayed coker insertion points are located. Also, provide EPA with copies of coke product analytical data for 2012, 2013, 2015 and 2015 to date that demonstrates the coke product generated by Shell, when secondary waste materials is used to produce the coke product, does not meet hazardous waste characteristics (e.g., TCLP³ for selenium).

L. Wastewater Treatment Surface Impoundments

1. Provide a detailed description of each surface impoundment used to treat wastewater generated by Shell. Include in the description the volume, dimensions (depth, length, and width, construction date, type of construction (e.g., raise embankment, lined), and if lined, a description of the liner.

³Toxic Characteristic Leaching Procedure

ATTACHMENT II INSTRUCTIONS

In responding to this Request for Information, apply the following instructions and definitions:

1. Answer Every Question Completely. A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this Information Request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Number Each Answer. When answering the questions in Attachment I, please precede each answer with the corresponding number of the question and subpart to which it responds.
3. Number Each Document. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the question to which it corresponds.
4. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents, if necessary. If you are unable to answer a request in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any request, state that person's name and last known address and phone number and the reasons for your belief.

If anything is deleted from a document produced in response to this Request for Information, state the reason for and the subject matter of the deletion. If a document/information is requested but is not available, state the reason for its unavailability. In addition, identify any such document by author, date, subject matter, number of pages, and all recipients and their addresses.

5. Identify Sources of Answer. For each question, identify all the persons and documents that you relied on in producing your answer.
6. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, EPA hereby requests that you supplement your response to EPA.
7. Scope of Request. The scope of this request includes all information and documents independently developed or obtained by research on the part of your company, its attorneys, consultants or any of their agents, consultants or employees.
8. Have an Authorized Person Sign the Response and Certification (Attachment III). The signatory must be an officer or agent who is authorized to respond on behalf of the company or facility.

9. **Confidential Information.** The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Section 3007(b) of RCRA, 42 U.S.C. § 6927(b), and 40 C.F.R. § 2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

- i. clearly identify the portions of the information alleged to be entitled to confidential treatment;
- ii. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
- iii. measures taken by you to guard against the undesired disclosure of the information to others;
- iv. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
- v. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
- vi. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp, or type, confidential on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate the date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all nonconfidential information, including any redacted versions of documents are in one envelope and all materials for which you desire confidential treatment are in another envelope that is clearly marked confidential.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

If the EPA determines that the information so designated meets the criteria set forth in 40 C.F.R. § 2.208, the information will be disclosed only to the extent, and by means of the procedures specified in 40 C.F.R. Part 2, Subpart B..

ATTACHMENT III
CERTIFICATION OF ANSWERS TO RESPONSES TO REQUEST FOR INFORMATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, that the submitted information is true, accurate and complete, and that all documents submitted herewith are complete and authentic, unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

NAME (print or type)

TITLE (print or type)

SIGNATURE

DATE